

**STAR TOWER/T-MOBILE NORTHEAST
PETITION FOR VARIANCE
DECEMBER 6, 2010 (Continued Hearing)**

The public hearing continued from October 25, November 1 and November 15, 2010 was reopened in Stow Town Building at 7:30 p.m. on the petition filed by **Star Tower Co., LLC, 655 Summer Street, Boston and T-Mobile Northeast, LLC, 15 Commerce Way, Norton** for variances under Zoning Bylaw Sections 3.10, 5.3.7.1, 5.3.7.2 and 5.3.8 to allow construction of a wireless service facility at **215 Harvard Road (Wedgewood Pines Country Club)**. The property is shown on Stow Property Map R-4 as Parcel 39A.

Board members present: Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), Andrew DeMore (associate), Ruth Sudduth (associate)

Representing the applicants were Attorney Brian Grossman of Prince Lobel Glovsky & Tye; Peter Fales of Centerline Communications; Scott Hefferman, Radio Frequency Engineer. Also present were Town Counsel Jonathan Witten, Planning Board member Ernest Dodd and David Maxson of Isotrope, LLC, the Board's consultant in this matter.

Mr. Maxson had conducted a technical review of the application for variances. The questions: Is there a need for the facility and are alternative locations available in keeping with the purpose and intent of the Zoning Bylaw? He referred to the tables on page 4 of his report that listed several possible locations within the Wireless Service Facility District overlay (Packard Road, Taylor/Boxboro Roads, South Acton Road and Hudson Road) and one outside the district (23 Hillcrest Avenue). None appeared to fit the category. Hillcrest could be considered for extension. The applicant is attempting to provide coverage northerly where there is a well-developed area as well as roadways. As to a gap, the coverage is less than the desired threshold.

Mr. Witten reminded that the request is for a use variance for a facility outside the overlay district.

Mr. Maxson pointed out there is incorrect ground elevation information that was based on survey station rather than sea level. Minuteman Air Field was mentioned as a possible location in that it could serve as a complimentary site. There still could be overlay district locations.

Mr. Tarnuzzer reported he had obtained some relevant information from the Planning Board. There are about 1,000 acres within the overlay district, representing 8% or 9% of the total acreage of the Town. It appeared to him that it is possible to locate a facility within the overlay district.

Mr. Maxson noted there is a political process in the development of zoning. Currently there are more households relying on cell phones rather than land lines. Consumer demand is to obtain service where people work, play or live. The Planning Board should study the broader issue and review the permitting process.

Mr. Hefferman addressed the elevation error by saying the data provided the Board is correct.

Attorney Grossman did not disagree that the proposed facility would require lighting. Lighting could be shielded from neighbors. The tower capped at 136 feet would be acceptable and would still be able to provide the desired service.

Ms. Sudduth asked if additions for other carriers could be possible. Mr. Grossman replied the applicant would like that capability, and it would have to be included in the Board's permit. (Note: Ms. Sudduth was a member of the Planning Board when the overlay district was proposed and approved by town meeting.)

Mr. Hefferman referred to the existing coverage plot (diagram). There is a fairly large area with adequate service. The applicant is looking to cover a broader area. Almost every possible property within a three-mile radius was reviewed, including those mentioned previously.

Mr. Tarnuzzer inquired if there could in the future be an additional facility in the South Acton Road area. Mr. Grossman responded there is a significant gap in coverage now. Customer complaints could dictate extending into a gap area.

Ms. Sudduth noted that the points being made by the engineer are perfect arguments for the Planning Board. Is there a reason the Board has to grant the variances? Mr. Witten responded that it may be in the best interests to amend the overlay district through town meeting. The Board is uncomfortable that this matter is properly before it.

Mr. Maxson noted there is a difference in computer modeling. His equipment is more sensitive to terrain changes. He believed the coverage to the northeast is not as complete as the applicant's maps may show. The proposed facility does less to provide coverage than the maps suggest.

Mr. Tarnuzzer still questioned if this board can grant variances to place the facility outside the overlay district. Mr. Witten's best advice is to avoid it. There are alternatives as well as consideration of expansion of the overlay district through amendment of the zoning bylaw. Mr. Witten requested of Mr. Maxson a report based on this meeting's discussions.

It was proposed to continue the hearing once more to January 10, 2011 at 7:30 p.m. All were in agreement. Mr. Grossman was to provide a further extension for decision filing.

The hearing was adjourned at 9:05 p.m. to be continued to Monday, January 10, 2011 at 7:30 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board